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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,062	02/16/2000	Jeffrey Dwork	52352-305	5785

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EXAMINER

TRAN, THIEN D

ART UNIT PAPER NUMBER

2665

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/505,062

Applicant(s)

DWORK, JEFFREY

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being participated by Booth (U.S Patent No 6,065,073).

Regarding claim 1, Booth discloses an arrangement for polling external physical layer device (PHY) registers in a network, comprising:

a number (n) of poll registers that store information indicating which PHY registers are to be polled ;

a number (m) of poll data registers that receive polled information from the PHY registers (col.20 lines 5-40); and

poll logic that automatically polls those PHY registers indicated by the information in the poll registers as PHY registers to be polled, and stores the polled information in the PHY registers. See col.19 lines 20-65.

Regarding claim 13, Booth discloses a method of automatically polling physical layer device (PHY) registers of a network, comprising the steps of:

- storing addresses of a subset of PHY registers from a plurality of PHY registers;
- periodically polling the PHY registers whose addresses are stored (col.19 lines 50-65);
- storing polling results obtained by the periodically polling;
- comparing the polling results with previous polling results (col.21 lines 1-25); and
- generating an interrupt signal when the polling results are different from the previous polling results. See col.16 lines 30-55.

Regarding claim 2, Booth discloses the poll logic includes comparison logic that compares currently polled information with previously polled information stored in the poll data registers. See col.13 lines 1-35

Regarding claim 3, Booth discloses the poll logic includes write logic responsive to the comparison logic to replace the previously polled information stored in the poll data registers with the currently polled information when the currently polled information is different than the previously polled information. See col.11 lines 30-60.

Regarding claim 4, Booth discloses the poll logic includes interrupts generation logic responsive to the comparison logic to generate an interrupt signal when the currently polled information is different than the previously polled information. See col.12 lines 20-50.

Regarding claim 5, Booth discloses that n and m are any integer. See col.8 lines 5-20.

Regarding claims 6 and 17, Booth discloses that each of the poll registers includes an address field that contains an address of a PHY containing a PHY register to be polled. See col.5 lines 45-65.

Regarding claim 7, Booth discloses that each of the poll registers includes a register number field that contains the register number of the PHY register to be polled of the PHY indicated by the address contained in the address field. See col.7 lines 20-55.

Regarding claim 8, Booth discloses that each of the poll registers includes an enable field that enables and disables automatic polling of the PHY register to be polled. See col.14 lines 1-15.

Regarding claim 9, Booth discloses that in one of the poll registers, the enable field is always set to enable automatic polling, the register number is set to the status register of the PHY, and the address field contains the address of a default PHY. See col.13 lines 35-50.

Regarding claim 10, Booth discloses that each of the poll registers includes a preamble suppression field that contain information which determines whether the poll logic is to send management frames to the PHY registers without preambles. See col.10 lines 15-50.

Regarding claims 11, 14, Booth discloses that each of the poll registers includes a default field that contains information, which determines whether the address in the

address field is to be used, or the address of the default PHY is to be used to determine the PHY register to be polled. See col.11 lines 5-35.

Regarding claim 12, Booth discloses that the poll logic is configured to suppress a preamble when the default PHY accepts management frames with no preamble. See col.10 lines 15-50.

Regarding claim 15, Booth discloses that the polling results are stored in poll data registers. See col.19 lines 45-67.

Regarding claim 16, Booth discloses comprising enabling and disabling the periodic polling by setting and clearing an enable field in the poll registers. See col.20 lines 5-40.

Regarding claim 17, Booth discloses comprising setting the enable field of one of the poll registers to permanently enable periodic polling, and storing the address of a status register of a default PHY in an address field of that poll register. See col.14 lines 5-20.

Regarding claim 18, Booth discloses comprising sending management frames without preambles to PHY registers in dependence on the setting of a preamble suppression field in the poll registers. See col.11 lines 5-50.

Regarding claim 12, Booth discloses comprising setting a default field in the poll registers to control whether the address stored in the poll register is to be used as the address of the default PHY when a PHY register is polled. See col.20 lines 15-50.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Booth et al (US Patent No. 6,516,352 B1) discloses network interface system and method for dynamically switching between different physical layer devices.

-Haubursin (US Patent No. 6,507,609 B1) discloses mechanism for capturing and reporting interrupt events of different clock domains.

Simmons et al (US Patent No. 6,223,305 B1) discloses method and apparatus for resetting enabling and freezing a communication device in a diagnostic process.

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



**ALPUS H. HSU
PRIMARY EXAMINER**